THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :5535 of 2007

DATED:20-03-2007

BETWEEN:

Smt. N.Karuna.

..... PETITIONER

AND

The Debts Recovery Tribunal,
Triveni Complex,
Abids,
Hyderabad & 2 others

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing for the 1st respondent.

2. Petitioner seeks a writ of mandamus directing the respondents not to take coercive measures under Section 13(4) and Section 14 of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the Act') pending Securitization
Appeal No.103 of 2006 on the file of the Debts Recovery Tribunal, Hyderabad.

3. It is stated that at the request of one
M/s M.G.Constructions, the petitioner herein stood as a guarantor to it for obtaining bank guarantee from the Union Bank of India but the bank guarantee was invoked by the Pay & Accounts Officer in 2004 and neither the main borrower nor the guarantor obtained the said bank guarantee amount from the Union Bank of India. Whileso, the 1st respondent issued notice under Section 13(2) of the Act demanding payment and proposing to take possession of the residential house of the petitioner. Later, the 3rd respondent-Authorized Officer Union Bank of India issued a notice No.RO/CRLD/207, dated 23-05-2005, proposing to take possession of the residential house of the petitioner on

08-06-2005 under the provisions of the Act. Aggrieved by the same the petitioner filed Securitization Appeal No.103 of 2006 on the file of the Debts Recovery Tribunal, Hyderabad, and pending the said appeal, she filed I.A.No.546 of 2006 and the Debts Recovery Tribunal by order, dated 24-08-2006, granted stay of further proceedings upto 13-04-2006 which was extended from time to time and the last extension was till 13th March, 2007. It is stated that the Presiding Officer, Debts Recovery Tribunal, Visakhapatnam, was in-charge of the Debts Recovery Tribunal, Hyderabad, and he was camping to Hyderabad for three days in a week. It is further stated that the Presiding Officer, Debts Recovery Tribunal, Visakhapatnam, was the in-charge Officer upto 12-03-2007 and thereafter the Government of India issued notification appointing another in-charge Officer discontinuing the present Presiding Officer, Visakhapatnam, and the new in-charge Presiding Officer is scheduled to take charge by
05-04-2007.

4. Having regard to the facts and circumstances of the cae, I am not inclined to express any opinion whether there were lapses on the part of the petitioner in getting the stay extended from time to time, but however, as the regular in-charge Officer is scheduled to take charge on 05-04-2007 the stay granted in the said I.A.No.546 of 2006 in S.A.No.103 of 2006 which was in force till 13-03-2007 is extended upto
05-04-2007 so as to enable the petitioner to obtain appropriate orders from the Debt Recovery Tribunal, Hyderabad.

5. Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH, J

20th March, 2007
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